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8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 800-2014-002798

12 JONATHAN ADHAMI, M.D.

13 5764 San Vicente Boulevard, Suite 201
14 Los Angeles, California 90019

15 Physician's and Surgeon's Certificate A32998,
16 Respondent.

**DEFAULT DECISION
AND ORDER**

[Gov. Code, §11520]

17
18 FINDINGS OF FACT

19 1. On or about August 26, 2016, Complainant Kimberly Kirchmeyer, in her official
20 capacity as the Executive Director of the Medical Board of California, filed Accusation No. 800-
21 2014-002798 against Jonathan Adhami, M.D. (Respondent) before the Medical Board of
22 California (Board).

23 2. On or about October 11, 1978, the Board issued Physician's and Surgeon's Certificate
24 No. A 32998 to Respondent. The Physician's and Surgeon's Certificate expired on April 30,
25 2014, and has not been renewed.

26 3. On or about August 26, 2016, Dianne Richards, an employee of the Complainant
27 Agency, served by Certified Mail a copy of the Accusation No. 800-2014-002798, Statement to
28 Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5,

1 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is 5764
2 San Vicente Blvd., #201, Los Angeles, CA 90019. A copy of the Accusation, the related
3 documents, and Declaration of Service are attached as exhibit A, and are incorporated herein by
4 reference.

5 4. Service of the Accusation was effective as a matter of law under the provisions of
6 Government Code section 11505, subdivision (c). On or about September 21, 2016, the
7 aforementioned documents were returned by the U.S. Postal Service marked "Return to Sender,"
8 "Attempted – Not Known," "Unable to Forward." A copy of the envelope returned by the post
9 office is attached as exhibit B, and is incorporated herein by reference. Business and Professions
10 Code section 118 states, in pertinent part:

11 "(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a
12 board in the department, or its suspension, forfeiture, or cancellation by order of the board or by
13 order of a court of law, or its surrender without the written consent of the board, shall not, during
14 any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
15 authority to institute or continue a disciplinary proceeding against the licensee upon any ground
16 provided by law or to enter an order suspending or revoking the license or otherwise taking
17 disciplinary action against the license on any such ground."

18 5. Government Code section 11506 states, in pertinent part:

19 "(c) The respondent shall be entitled to a hearing on the merits if the respondent files a
20 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
21 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
22 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

23 Respondent failed to file a Notice of Defense within 15 days after service upon him of the
24 Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 800-
25 2014-002798.

26 6. California Government Code section 11520 states, in pertinent part:

27 "(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
28 agency may take action based upon the respondent's express admissions or upon other evidence

1 and affidavits may be used as evidence without any notice to respondent."

2 7. Pursuant to its authority under Government Code section 11520, the Board finds
3 Respondent is in default. The Board will take action without further hearing and, based on
4 Respondent's express admissions by way of default and the evidence before it, contained in
5 exhibits A and B, finds that the allegations in Accusation No. 800-2014-002798 are true.

6 DETERMINATION OF ISSUES

7 1. Based on the foregoing findings of fact, Respondent Jonathan Adhami, M.D. has
8 subjected his Physician's and Surgeon's Certificate No. A 32998 to discipline.

9 2. A copy of the Accusation and the related documents and Declaration of Service are
10 attached.

11 3. The agency has jurisdiction to adjudicate this case by default.

12 4. The Board is authorized to revoke Respondent's Physician's and Surgeon's Certificate
13 based upon the following violation alleged in the Accusation:

14 Respondent failed to comply with the Board Order compelling a mental examination
15 pursuant to section 820 of the code, and therefore, he is subject to disciplinary action under Code
16 sections 821 and 2234.

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1 ORDER

2 IT IS SO ORDERED that Physician's and Surgeon's Certificate No. A 32998, heretofore
3 issued to Respondent Jonathan Adhami, M.D., is revoked.

4 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
5 written motion requesting that the Decision be vacated and stating the grounds relied on within
6 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
7 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

8 This Decision shall become effective on December 28, 2016.

9 It is so ORDERED November 28, 2016

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13 KIMBERLY KIRCHMEYER
14 Executive Director
15 Medical Board of California
16 Department of Consumer Affairs
17 State of California
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Case No. 800-2014-002798

12 JONATHAN ADHAMI, M.D.

A C C U S A T I O N

13 5764 San Vicente Boulevard, Suite 201
14 Los Angeles, California 90019

15 Physician's and Surgeon's Certificate A32998,
16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
21 capacity as the Executive Director of the Medical Board of California (Board).

22 2. On October 11, 1978, the Board issued Physician's and Surgeon's Certificate
23 number A32998 to Jonathan Adhami, M.D. (Respondent). This license was in full force and
24 effect at times relevant to the charges brought here, but expired and became delinquent on April
25 30, 2014.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following
28 laws. All section references are to the Business and Professions Code (Code) unless otherwise

1 indicated.

2 4. Section 2004, subdivisions (a) through (e), of the Code states:

3 “The board shall have the responsibility for the following:

4 (a) The enforcement of the disciplinary and criminal provisions of the Medical
5 Practice Act.

6 (b) The administration and hearing of disciplinary actions.

7 (c) Carrying out disciplinary actions appropriate to findings made by a panel or an
8 administrative law judge.

9 (d) Suspending, revoking or otherwise limiting certificates after the conclusion of
10 disciplinary actions.

11 (e) Reviewing the quality of medical practice carried out by physician and
12 surgeon certificate holders under the jurisdiction of the board.”

13 5. Section 2227 of the Code provides that a licensee who is found guilty under the
14 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed
15 one year, placed on probation and required to pay the costs of probation monitoring, or such other
16 action taken in relation to discipline as the Board deems proper.

17 6. Section 2234 of the Code states:

18 “The board shall take action against any licensee who is charged with unprofessional
19 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not
20 limited to, the following:

21 “(a) Violating or attempting to violate, directly or indirectly, assisting in or
22 abetting the violation of, or conspiring to violate any provision of this chapter [Chapter 5, the
23 Medical Practice Act].

24 “(b) Gross negligence.

25 “(c) Repeated negligent acts. To be repeated, there must be two or more negligent
26 acts or omissions. An initial negligent act or omission followed by a separate and distinct
27 departure from the applicable standard of care shall constitute repeated negligent acts.

28 “(1) An initial negligent diagnosis followed by an act or omission

1 medically appropriate for that negligent diagnosis of the patient shall constitute a single negligent
2 act.

3 “(2) When the standard of care requires a change in the diagnosis, act, or
4 omission that constitutes the negligent act described in paragraph (1), including, but not limited
5 to, a reevaluation of the diagnosis or a change in treatment, and the licensee’s conduct departs
6 from the applicable standard of care, each departure constitutes a separate and distinct breach of
7 the standard of care.

8 “(d) Incompetence.

9 “(e) The commission of any act involving dishonesty or corruption which is
10 substantially related to the qualifications, functions, or duties of a physician and surgeon.

11 “(f) Any action or conduct which would have warranted the denial of certificate.

12 “(g) The practice of medicine from this state into another state or country without
13 meeting the legal requirements of that state or country for the practice of medicine. Section 2314
14 shall not apply to this subdivision. This subdivision shall become operative upon the
15 implementation of the proposed registration program described in Section 2052.5.

16 “(h) The repeated failure by a certificate holder, in the absence of good cause, to
17 attend and participate in an interview by the board. This subdivision shall only apply to a
18 certificate holder who is the subject of an investigation by the board.”

19 7. Section 820 of the Code states:

20 “Whenever it appears that any person holding a license, certificate or permit under this
21 division or under any initiative act referred to in this division may be unable to practice his or her
22 profession safely because the licentiate's ability to practice is impaired due to mental illness, or
23 physical illness affecting competency, the licensing agency may order the licentiate to be
24 examined by one or more physicians and surgeons or psychologists designated by the agency.
25 The report of the examiners shall be made available to the licentiate and may be received as direct
26 evidence in proceedings conducted pursuant to Section 822.”

27 8. Section 821 of the Code states:

28 “The licentiate's failure to comply with an order issued under Section 820 shall constitute

1 grounds for the suspension or revocation of the licentiate's certificate or license.”

2 9. Section 822 of the Code states:

3 “If a licensing agency determines that its licentiate's ability to practice his or her
4 profession safely is impaired because the licentiate is mentally ill, or physically ill affecting
5 competency, the licensing agency may take action by any one of the following methods:

6 (a) Revoking the licentiate's certificate or license.

7 (b) Suspending the licentiate's right to practice.

8 (c) Placing the licentiate on probation.

9 (d) Taking such other action in relation to the licentiate as the licensing agency in
10 its discretion deems proper.

11 The licensing agency shall not reinstate a revoked or suspended certificate or license until
12 it has received competent evidence of the absence or control of the condition which caused its
13 action and until it is satisfied that with due regard for the public health and safety the person's
14 right to practice his or her profession may be safely reinstated.”

15 10. Section 824 of the Code states:

16 “The licensing agency may proceed against a licentiate under Sections 820, or 822, or
17 both.”

18 11. Section 826 of the Code states:

19 “The proceeding under Section 821 and 822 shall be conducted in accordance with
20 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government
21 Code, and the licensing agency and the licentiate shall have all the rights and powers granted
22 therein.”

23 INTRODUCTION

24 12. On or about May 4, 2015, the Board began proceedings to obtain an order pursuant
25 to section 820 of the Code requiring Respondent to submit to a mental examination. That Order
26 was obtained on May 14, 2015. The basis for the petition to compel Respondent to undergo a
27 mental examination is as follows:

28 13. On or about January 29, 2014, the Board received an anonymous complaint from a

1 person claiming to be Respondent's patient. The complaint alleged, among other things, that
2 Respondent's behavior during office visits began to change over the past six months in that he
3 appeared unkempt; was forgetful; asked the same questions repeatedly; required assistance when
4 reading the medical file; attempted to improperly prescribe Vicodin based on a different patient's
5 chart; and was "not in control of his mental faculties." Based on this complaint, the case was
6 assigned to Board Investigator C.M. of the Cerritos District Office on February 28, 2014.

7 14. On March 28, 2014, Investigator C.M. contacted the Office Manager of Green
8 Cross Medical Clinic, who informed her that Respondent had not returned to work for one and
9 one-half months after sustaining a fall on his way to work.

10 15. On March 19, 2015, Investigator C.M. obtained a certified copy of a police report
11 pertaining to an elder abuse investigation from the Wilshire Detective Division of the Los
12 Angeles Police Department. According to the report, Respondent was physically assaulted by his
13 son on or about December 20, 2013. In a follow-up investigation of the elder abuse, the report
14 noted that Respondent had "trouble recalling past events and time lines," and that he "gets
15 frustrated when he is questioned and cannot answer the question."

16 16. On May 19, 2014, Investigator C.M. and Supervising Investigator M.E.
17 interviewed Respondent. During the interview, Respondent admitted that he was ill with
18 numerous medical problems, particularly memory loss. Respondent stated that he had a problem
19 forgetting things at a "very fast pace," which began in approximately August 2013. Respondent
20 further admitted that he decided to stop working on February 7, 2014, because his memory was
21 gradually getting worse.

22 17. On June 4, 2014, Investigator C.M. spoke to Respondent's neurologist, who stated
23 that Respondent was experiencing the early stages of Alzheimer's disease based on the
24 neuropsychologist's report.

25 18. On August 13, 2014, Respondent's former wife telephoned Investigator C.M. on
26 behalf of Respondent and with Respondent present. Respondent stated that he did not intend to
27 practice medicine again and that he did not want to undergo a mental examination since he had
28 already completed one for his personal physician. After Investigator C.M. attempted to explain

1 the process to cancel a medical license with a current consumer complaint pending, Respondent
2 became upset and hung up the phone.

3 19. Respondent declined to voluntarily undergo a mental examination.

4 20. L.F., M.D., Expert Reviewer for the Board, evaluated Respondent's file. He
5 concluded that there is evidence of possible Alzheimer's disease and evidence of a mood disorder,
6 possibly Major Depressive Disorder or Adjustment Disorder with Depressed Mood. Dr. L.F.
7 further concluded that a mental examination is necessary to determine whether Respondent is
8 impaired due to a mental illness that affects his competency to practice medicine safely.

9 21. On or about May 14, 2015, the Board issued an order (Order) requiring that
10 Respondent submit to a mental examination, a true and correct copy of which is attached hereto
11 as Exhibit 1, and incorporated herein as if fully set forth.

12 22. Respondent was served with the Board's 820 Order via certified mail and first
13 class mail on May 14, 2015.

14 23. Respondent failed to schedule a mental examination within the thirty days
15 provided by the Order.

16 24. Respondent failed and/or refused to comply with the Order compelling him to
17 submit to a mental examination.

18 CAUSE FOR DISCIPLINE

19 (Failure to Comply with Board Order Compelling Mental Examination)

20 25. Respondent is subject to disciplinary action under Code sections 821 and 2234 in
21 that he failed to comply with an order issued pursuant to section 820 of the code.

22 PRAYER

23 WHEREFORE, Complainant requests that a hearing be held on the matters herein
24 alleged, and that following the hearing, the Medical Board of California issue a decision:

25 1. Revoking or suspending Physician's and Surgeon's Certificate Number A32998,
26 issued to Jonathan Adhami, M.D.;

27 ///

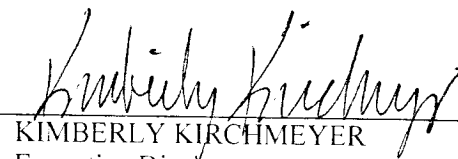
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1 2. Revoking, suspending or denying approval of his authority to supervise
2 physician's assistants, pursuant to section 3527 of the Code;

3 3. If placed on probation, ordering him to pay the Medical Board of California the
4 costs of probation monitoring; and

5 4. Taking such other and further action as deemed necessary and proper.
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8
9 DATED: August 26, 2016



KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California

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12
13 LA2014615007

Complainant